

REMARKS

Status of the Claims

Claims 1-20, 25-32 and 34-39 are pending in the application.

Claims 4-7, 14-18, 24-28, 32, 34-38 were withdrawn.

Claims 1-3, 8-13, 18-20, 19-31, and 39 were rejected.

By way of this amendment, claims 4-7, 14-18, 24-28, 32, 34-38 have been canceled.

Upon entry of this amendment, claims 1-3, 8-13, 18-20, 19-31, and 39 will be pending.

Summary of the Amendment

Claims 4-7, 14-18, 24-28, 32, 34-38, which were withdrawn for reciting non-elected subject matter, have been canceled without prejudice.

The specification has been amended to delete reference to an erroneous Genbank accession number at paragraph [0051] of the published application (page 10, paragraph [0049] of the application as filed) and, in its place, restate that the sequence of CDX1 is found in SEQ ID NO:1 of the sequence listed filed with the application. Support for the amendment is found at paragraph [0152] of the published application (page 29, paragraph [0148] of the application as filed). No new matter has been added.

Claim Rejections Under 35 U.S.C. § 112, first paragraph

Claims 1-3, 8-13, 18-20, 29-31, and 39 stand rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. The Office asserts that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The Official action references the Genbank accession number on paragraph [0051] of the published application and concludes that the accession number is incorrect and therefore the application fails to comply with the written description requirement.

Applicants respectfully point out that paragraph [0152] of the published application (page 29, paragraph [0148] of the application as filed) indicates that the nucleic acid

sequence and amino acid sequence of CDX1 is set forth in SEQ ID NO:1 of the sequence listing. Thus, Applicants' specification provides a description of the invention in the specification sufficient to establish that Applicants were in possession of the invention at the time the application was filed.

Applicants have amended the specification to delete the incorrect information at paragraph [0051] of the published application and replace it with the correct information which was included at paragraph [0152] of the published application.

Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 112, first paragraph, be withdrawn.

Conclusion

Claims 1-3, 8-13, 18-20, 29-31, and 39 are in condition for allowance. An early Notice of Allowance is therefore earnestly solicited. Applicants invite the Examiner to contact the undersigned attorney at 610.640.7855 to clarify any unresolved issues raised by this response.

The Commissioner is hereby authorized to charge any debit or credit any overpayment to Deposit Account No. 50-0436.

Respectfully submitted,

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Date: August 24, 2007

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